

MINUTES OF THE HOUSE WILDLIFE, PARKS AND TOURISM COMMITTEE

The meeting was called to order by Chairman Don Myers at 3:30 P.M. on February 9, 2005 in Room 241-N of the Capitol.

All members were present except:

Representative Patricia Kilpatrick- excused  
Representative L. Candy Ruff- excused  
Representative Clark Shultz- excused

Committee staff present:

Hank Avila, Kansas Legislative Research  
Dennis Hodgins, Kansas Legislative Research  
Lisa Montgomery, Revisor of Statutes Office  
Betty Caruthers, Committee Secretary

Conferees appearing before the committee:

Kathy Porter, Office of Judicial Administration  
Chris Tymeson, Kansas Department of Wildlife & Parks  
Dan Ward, Kansas Wildlife Federation  
Jim Call, Kansas Outfitter's  
Kevin Graham, Attorney General's Office

Others attending:

See attached list.

Moved by Representative Long, seconded by Representative Oharah for approval of Minutes of the House Committee on Wildlife, Parks and Tourism held on February 7, 2005 be approved.

Motion carried.

Hearings on **HB 2117 - Boating; requirements; penalties**, were opened.

Chairman Myers recognized Kathy Porter, Office of Judicial Administration who presented informational testimony regarding section 15 of **HB 2117** regarding fees from boating violations going to the State Treasurer and how they are then credited to various funds. (Attachment 1) Presented an estimate percentage of funds which would be credited to the boating fees fund.

Chairman Myers questioned the need for an amendment with a specific percentage in order to work the bill. Kathy Porter and Chris Tymeson set the percentage of 0.17%.

Representative Mah questioned the fact that there were no opponents testifying on **HB 2117**, and wanted to be sure that the word had gotten out about the hearings. It was noted that the same procedures were utilized as with any other bill.

Hearings on **HB 2117** were closed.

Working **HB 2117**.

Representative Flaharty moved to accept the amendment of 0.17% as presented by Kathy Porter and that the Revisor be able to make appropriate changes to implement it. Seconded by Representative Long.

Chairman Myers requested that the Revisor work on an amendment to then be brought back to the Committee to be worked on February 14.

Representative Flaharty withdrew her motion and Representative Long withdrew the second.

Motion withdrawn.

CONTINUATION SHEET

MINUTES OF THE House Wildlife, Parks and Tourism Committee at 3:30 P.M. on February 9, 2005 in Room 241-N of the Capitol.

Chairman Myers recognized Lisa Montgomery for a Briefing on **HB 2253**.

Hearings for proponents on **HB 2253 - Imposes minimum fines and jail times for certain wildlife** were opened.

Chairman Myers recognized Chris Tymeson testifying in support of **HB 2253**. (Attachment 2) Following the testimony Chairman Myers requested that Mr. Tymeson work with the Revisor to come up with amendments to **HB 2253** for Monday, February 14.

Chairman Myers recognized Dan Ward presenting testimony in support of **HB 2253**, specifically from the perspective of hunting and fishing to reform how diversions work. Letters of support were also included from Ralph Goodwin, President, Kansas State Rifle Association, and Shawn Harding, Kansas Bowhunters Association. (Attachment 3)

Chairman Myers recognized Jim Call who testified in favor of **HB 2253** and the need to rid Kansas of illegal practices with Wildlife. (Attachment 4)

Chairman Myers asked Kevin Graham to stand for questions with regards to his submitted written testimony as a proponent of **HB 2253**. (Attachment 5)

Hearings for proponents on **HB 2253** were closed.

Chairman Myers announced that the Committee would work both **HB 2117** and **HB 2253** on Monday, February 14.

Chairman Myers adjourned the Committee at 4:35.

Next meeting scheduled for Monday, February 14.





State of Kansas

## Office of Judicial Administration

Kansas Judicial Center  
301 SW 10<sup>th</sup>  
Topeka, Kansas 66612-1507

(785) 296-2256

Testimony on HB 2117  
House Committee on Wildlife, Parks, and Tourism  
Wednesday, February 9, 2005

Kathy Porter  
Office of Judicial Administration

Thank you for the opportunity to testify on this bill. I am here to testify only on the issue of remitting money to the Boating Fee Fund pursuant to Section 15 of this bill.

The provisions of Section 15 of the bill would require the clerks of the district court to separately collect and remit to the State Treasurer those amounts received as fines for boating violations. Since the enactment of K.S.A. 20-350 in 1976, and even before the enactment of that statute, clerks of the district court have remitted to the State Treasurer "all moneys received by the clerk of the district court from the payment of fines, penalties and forfeitures." See K.S.A. 20-350, attached.

Section 15 of HB 2117 requires the State Treasurer to credit to the Boating Fee Fund all moneys received from the clerks pursuant to the specified statutes. In other words, fines received from violations of specified boating provisions are intended to be deposited in the Boating Fee Fund. The Treasurer has no way of knowing, from the approximately \$19 million in fines, forfeitures, and penalties remitted by clerks of the district court to the State Treasurer, what amount is attributed to boating statute violations. Similarly, clerks of the district court currently have no way of segregating on a statutory basis those fines that are paid to them. Requiring clerks to do this would impose a clerical and accounting burden on the clerks that would require the Judicial Branch to request additional positions.

Current law includes a mechanism that provides a solution. K.S.A. 74-7336, a copy of which is attached, directs the State Treasurer to credit specified percentages of the total remittance of fines to specified funds. Adding the Boating Fee Fund as a recipient of 0.23% of the fines, penalties, and forfeitures received from the clerks would credit approximately \$44,300 to the fund based on FY 2004 fine collections. As I understand from conversations with Department of Wildlife and Parks staff, this is the approximate amount the Department of Wildlife and Parks states it collects on an annual basis from the statutes noted in Section 15, based on a review of five years of violations.

The Office of Judicial Administration currently does not collect statistics on the amounts collected by statutory basis for the fine. However, we have looked at case filings and fine amounts imposed in several counties, and that amount is in line with estimates we have reached.

I have attached a proposed amendment to K.S.A. 74-7336 that would accomplish crediting approximately \$40,000 to the Boating Fee Fund. I would be glad to answer any questions.

House Committee on Wildlife, Parks  
and Tourism

2/09/05

Attachment 1

## Kansas Legislature

[Home](#) > [Statutes](#) > Statute

[Previous](#)

[Next](#)

**20-350****Chapter 20.--COURTS****Article 3.--DISTRICT COURTS**

**20-350. Disposition of money received by clerk; investment of moneys held; disposition of interest.** (a) Except for fines and penalties authorized to be paid to counties pursuant to K.S.A. 19-101e, and amendments thereto, and subsection (b), and amendments thereto, all moneys received by the clerk of the district court from the payment of fines, penalties and forfeitures shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund, except as provided in K.S.A. 74-7336, and amendments thereto.

(b) Except as provided by K.S.A. 2003 Supp. 20-368, and amendments thereto, all moneys received by the clerk of the district court from the payment of bail forfeitures shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit equal portions of such remittance to the indigents' defense services fund and the state general fund.

(c) The chief judge may invest any moneys on deposit in the district court account if the moneys are not immediately required for the purposes for which they were collected or received. Such moneys may be invested in: (1) Time deposits, open account or certificates of deposit, for periods not to exceed six months, or savings deposits, in commercial banks located in the county, except that amounts invested which are not insured by the United States government shall be secured in the manner and amounts provided by K.S.A. 9-1402, and amendments thereto; (2) United States treasury bills or notes with maturities not to exceed six months; or (3) savings and loan associations located in the county. No investment of more than the amount insured by the federal deposit insurance corporation shall be made in any one savings and loan association. Interest received from the investment of moneys pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) Upon application of a party to an action in which such party claims ownership of moneys held by the district court, the chief judge may invest such moneys in the same manner as provided by subsection (c). Interest received from the investment of moneys pursuant to this subsection shall become the property of the person found to be the owner of the moneys.

**History:** L. 1976, ch. 146, § 45; L. 1977, ch. 109, § 16; L. 1978, ch. 108, § 9; L. 1981, ch. 134, § 1; L. 1989, ch. 239, § 2; L. 1990, ch. 94, § 1; L. 1998, ch. 52, § 4; L. 1999, ch. 57, § 23; L. 2001, ch. 5, § 76; July 1.

1-2

## Kansas Legislature

[Home](#) > [Statutes](#) > Statute

[Previous](#)

[Next](#)

**75-4215****Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES****Article 42.--STATE MONEYS****75-4215. Remittance of state moneys; fee agency accounts; reports; post audit.**

(a) All moneys collected by any state agency shall be remitted daily to the state treasurer unless otherwise authorized by the board to remit less frequently.

(b) If a state agency is authorized by the board to maintain a fee agency account pursuant to K.S.A. 75-4214, and amendments thereto, any moneys collected by the state agency shall be deposited daily in the fee agency account. Fee agency account balances shall be remitted daily or less often if authorized by the board, to the state treasurer by such agency drawing on such fee agency account all moneys therein except for any balances required for direct refunds of tuition, fees or charges from such fee agency account authorized under K.S.A. 76-738, and amendments thereto. When requested, such agency shall file with the board a detailed and verified report with each deposit showing the sources from which such moneys were received. The board shall have the authority to limit specific types of moneys that can be deposited in a fee agency account.

(c) Fee agency accounts and moneys to be deposited therein shall be subject to post audit under article 11 of chapter 46 of Kansas Statutes Annotated.

**History:** L. 1967, ch. 447, § 20; L. 1975, ch. 453, § 9; L. 1977, ch. 300, § 2; L. 1986, ch. 333, § 2; L. 1994, ch. 105, § 6; L. 2001, ch. 5, § 3; July 1.

**74-7336**

**Chapter 74.--STATE BOARDS, COMMISSIONS AND AUTHORITIES  
Article 73.--CRIME VICTIMS COMPENSATION BOARD**

**74-7336. Crime victims compensation fund; crime victims assistance fund; county money to aid witnesses and victims of crime.** (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit 7.99% to the crime victims compensation fund, 1.45% to the crime victims assistance fund, 2.01% to the community alcoholism and intoxication programs fund, 2.01% to the department of corrections alcohol and drug abuse treatment fund. The remainder of the remittances shall be credited to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.

**History:** L. 1989, ch. 239, § 31; L. 1995, ch. 243, § 8; L. 2001, ch. 200, § 18; L. 2001, ch. 211, § 17; July 1.

0.17%

and 0.23% to the boating fee fund.

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2253 relating to the Sentencing Standards for Wildlife Violations  
To  
House Committee on Wildlife, Parks and Tourism**

**By Christopher J. Tymeson  
Chief Legal Counsel  
Kansas Department of Wildlife and Parks**

**9 February 2005**

House Bill 2253 seeks to amend K.S.A. 22-2908, 32-1031 and K.S.A. 2004 Supp. 32-1032 by limiting the use of diversion agreements in resolving violations of wildlife law and by establishing new sentencing standards for wildlife violations, particularly relating to subsequent convictions. The provisions of this bill would be effective on July 1, 2005.

Section 1 of this bill amends K.S.A. 22-2908, concerning the granting of diversions, by limiting any person charged with a wildlife violation to one opportunity for diversion for any violation of Article 10 of Chapter 32, which includes all wildlife crimes. The department believes that this amendment is a positive change. Current subsection (b)(1) specifies that the same exact violation would have to occur twice in order for a diversion agreement to be prohibited. Therefore, multiple diversion agreements may be awarded to a person if the individual is charged with different violations at separate times. Repeat offenders of wildlife laws in general have found refuge from prosecution by exercising this ability when charged with wildlife crimes.

Section 2 amends the sentencing standards prescribed in K.S.A. 32-1031, concerning violations of Chapter 32. The current statute prescribes a penalty of a Class C misdemeanor to any violation of Wildlife and Parks laws, unless a separate, specific penalty is directed by the individual statute. The new language requires the court to consider prior convictions of wildlife laws when imposing sentencing and each subsequent conviction has an increased penalty threshold. The Department is in general agreement with this provision of the bill but two minor concerns arise.

First, the amendment addresses increasing penalty thresholds up to and through the fourth conviction, but provides no further direction in the event the person is convicted beyond a fourth occurrence. Resolution would be to either include further convictions within the penalty threshold for the fourth conviction, or prescribe a specific penalty outside the Class C misdemeanor limits.

Second, concern exists when two separate violations of lesser offenses occur. Under New Section 4, the fine imposed by the court shall be equal to or greater than the appearance bond established in K.S.A. 32-1050. A situation could arise where a person

Office of the Secretary  
1020 S Kansas Ave., Ste. 200, Topeka, KS 66612-13  
Phone 785-296-2281 Fax 785-296-6953 www.kdwp.state.ks.us

Committee on Wildlife, Parks and  
Tourism  
2/09/05  
Attachment 2



is convicted and sentenced to a fine of \$75. At a later time the same person could be convicted of a second offense, also a lesser violation, but would be sentenced to a fine of at least \$250 because it is a second violation. Conversely, a person found guilty the first time of a more serious crime could be sentenced to a fine of \$250, but, a second violation of the same more serious crime could result in a fine of \$250. It is noted however that the court, in its discretion, could impose a more severe sentence for the second conviction. While neither concern should be considered fatal flaws in this legislation, the department felt it in the best interest of all involved to point out these two issues.

Section 3 prescribes penalties for violations related big game and wild turkey permits and game tags as set forth in K.S.A. 32-1032. The amended language establishes thresholds for five consecutive convictions but not for subsequent convictions. In addition, when applying the provisions of New Section 4 to the first conviction recommendation found in Section 3, the minimum fine stated in Section 3 would be \$250 but the minimum fine stated in Section 4 would require a fine of \$500. It is the department's recommendation to increase the minimum fine found in Section 3, subsection (1) to the same \$500 limit as prescribed in New Section 4.

The department would also suggest clarification of what constitutes a second or subsequent conviction be made. It is recommended that all convictions contained within one concurrent court proceeding be considered as one conviction. This would provide clear direction that if three charges stemmed from the same set of circumstances, they would be considered as a combined action in determining whether the person is being sentenced for the first, second, third, or more times. Further, the department would suggest that clarification be made that the provisions of this bill are proactive, not retroactive.

In conclusion, the department wishes to thank the sponsors of this bill and the Committee for bringing this proposal forward. The department broadly supports legislation that would address wildlife offenses and feels that this legislation provides appropriate direction involving repeat violators of wildlife laws. The department encourages passage of this legislation and stands ready to assist in any way to resolve any issues related to this bill.

# KANSAS WILDLIFE FEDERATION



*The voice of outdoor Kansas*  
**Testimony Prepared for the House Wildlife, Tourism & Parks Committee  
In Support of HB 2253**

**February 9, 2005**

My name is Dan Ward, and I'm the Executive Director of the Kansas Wildlife Federation. KWF is a 54-year old organization dedicated to the wise use, conservation, appreciation, and the restoration of our state's wildlife and natural environment. We approach this mission primarily from the perspective of hunting and fishing, which are important traditions in Kansas. Over 500,000 hunters and anglers spend close to one billion dollars in the state each year.

Because of the stewardship and professional management by the Kansas Department of Wildlife & Parks, our state has become a national destination for turkey and deer hunters. In particular, the Kansas deer herd has been managed as a trophy herd since the opening of deer season in Kansas four decades ago. What our state has accomplished is regarded by wildlife professionals across the country as a great example of what good management can achieve.

That success has been made possible by the dedication and enthusiasm of the Kansas sportsman. The fees and taxes we pay have created an outdoor world that the rest of America envies and studies.

That very same success has also encouraged an irresponsible element. Our wide-open spaces and small number of conservation officers is bringing into Kansas an increasing number of people who come because they know that it's here that they can often get away with skirting or totally ignoring wildlife laws.

While illegal hunting is a concern for most game species in the state, we have a particular concern because of the gray market trade in illegally obtained antler racks.

Deer antler racks, depending on the quality and the buyer, can fetch anywhere from \$50 to \$5,000. Because of the money involved, poaching is becoming organized crime, attracting career criminals who are often also involved in crimes such as crystal meth production and distribution or auto theft rings.

The potential reward might not be worth the risk if wildlife laws were enforced. However, fines for wildlife violations rarely exceed \$250. To make matters worse, these fines are often not handed out at all. It's very common for county attorneys to decline prosecution, instead entering violators into "diversion programs."

The effect of these diversion programs is that wildlife officers may arrest the same individual five or six times, yet the violator in question will have a clean criminal record. There is little reason for that person to take wildlife laws seriously.

214 SW 6<sup>th</sup> Ave., Ste. 205 ♦ Topeka, KS 66603 ♦ (785) 232-3238

Committee on Wildlife, Parks and  
Tourism  
2/09/05  
Attachment 3

To sum up:

- There are 65 wildlife officers for the entire state
- These officers are under-funded for the task at hand
- Poachers and illegal hunters are often given minimal fines or diversions.
- As a result, there is little effective deterrent in our state for illegal hunting and poaching crimes

The Kansas Wildlife Federation has made a commitment to secure our natural heritage from unethical sportsmen and career criminals who have our state in their sites. As part of that commitment, we have, along with Audubon of Kansas, Kansas Bowhunters Association, Kansas National Wild Turkey Federation, Kansas Outfitters Association, Kansas State Rifle Association, and the Kansas Wildlife Officers Association, put together this bill to tighten enforcement of wildlife crimes. Additionally, Geary County Fish & Game, the Kansas chapter of the Rocky Mountain Elk Foundation, and the National Rifle Association's Institute for Legislative Action are all in support of this measure.

Our bill has these main objectives:

1. Raising fines to treat out-of-state and in-state violators equally. Right now, the bonding authority outlined in 32-1050 lay out what are essentially fines that apply to out of state violators, as it's rare for residents to be bonded. By making this schedule to also be a schedule of minimum fines for these offenses, we equalize the treatment for residents and non-resident offenders.
2. Ramping up penalties for repeat offenders. This bill takes both the trophy deer law and the Class C misdemeanor laws and institutes a scale of minimum penalties that escalate as an offender works through the system. We see no reason why a third-time offender (who, if he received a diversion on his first offense, is actually a fourth-time offender) should be deserving of any special clemency.
3. Reform how diversions are given for wildlife crimes. In many ways, this is the most important provision of our bill. Currently many wildlife violators are on a continual merry-go-round of diversions. As a result, their wildlife violations never become part of their criminal record. Violators often move from county to county, and there are no consistent standards for the enforcement of wildlife laws.

We know that mistakes happen, and the overall goal of diversions – to keep non-violent offenders from clogging the justice system – is a worthy one. This bill enables the county to keep using diversions as a measure to deal with offenders who made an honest mistake. On the other hand, our measure, by adopting the model that has been used successfully in Kansas for DUI convictions, puts a statewide standard in place.

In the course of assembling this bill and talking to decision-makers about the need for this bill, I have sometimes encountered a notion that poachers are basically harmless. It's worth taking some time to note how far from the truth this is.

As previously stated, poachers are often career criminals, and because of the money involved, poaching is becoming a venue for organized crime in the state. The professional poacher is not a

harmless “good ol’ boy” trying to feed his family – he is frequently a drug maker and dealer, who is armed with a high powered rifle.

Take a moment to think of the kind of courage that’s needed to do this job. Working alone, miles away from the nearest back-up, going after hardened criminals armed with high-powered rifles and very possibly night vision equipment. Wildlife officers believe in their work. They’re not asking us for much – we’re not trying to turn misdemeanors into felonies, or trying to get millions of dollars in new equipment. They’re asking the state to make sure that their work has the impact that the law-abiding sportsman is paying for them to have.

Wildlife laws are an ancient part of the English and American legal traditions. In fact, one could even make the case that wildlife laws go back to the days of the Roman Republic, in which the fish and wildlife of the Republic were held to be a public trust, given by the citizens to the government.

Since then, the concepts that have given the United States one of the world’s best environments for hunting and fishing have descended to us from that long legal tradition. The concepts we use: game wardens, wildlife preserves, and even “poaching” all come out of English Common Law. It’s worth noting that it’s the countries that have followed these traditions – Australia, New Zealand, Canada, the United States, the Republic of South Africa – that have done the best job at preserving wildlife and wildlife habitat.

In all of those countries, and in all of that time, the same pattern has held – professional wildlife managers, paid for by sportsmen, work to make sure the habitat is intact. Conservation officers patrol the habitat to make sure that everyone follows the rules.

To complete the cycle, uphold the system, and to make sure that another generation of Kansans continues to enjoy the world-class outdoor heritage we have, it’s absolutely critical that the counties of Kansas back up the law enforcement officers who are charged with keeping our outdoor heritage safe.

Your participation is vital for the future of rural Kansas, an age-old tradition, and an economic engine that generates nearly a billion dollars every year. Tens of thousands of Kansans are asking you to take this bill vote this bill through your committee.

**Kansas State Rifle Association  
P.O. Box 108  
Andover, KS. 67002**

The Honorable Don Myers  
Room 488-N  
Kansas State Capitol  
300 SW 10<sup>th</sup> St.  
Topeka, Kansas 66612

Dear Representative Myers,

The Kansas State Rifle Association wishes to express its support for H.B. 2253 to the House Committee on Tourism and Parks.

The Kansas State Rifle Association is an organization dedicated to: The right to keep and bear arms - The preservation of shooting sports and their lawful pursuit - The conservation of natural resources - Wildlife management - The maintenance of law and order.

K.S.R.A. participated in the crafting of this bill because of our belief that:

1. Commercial poaching endangers the world class hunting we have in Kansas.
2. Unpunished unlawful activity serves to encourage other unlawful behaviors.

We urge you to pass this bill out of your committee and recommend the passage of this bill because:

1. It will help to preserve the world class trophy deer hunting enjoyed by all in Kansas, a source of considerable income in the state.
2. It will limit the number of diversions available to a game law offender, a leading cause of repetitive offenses in Kansas.
3. It introduces reasonable minimum sentences for repeat offenders.

Thank you for your work to protect our world class wildlife and hunting here in Kansas. If you or any member of your committee have any questions for K.S.R.A., please feel free to contact me.

Sincerely,

Ralph Goodwin  
President  
Kansas State Rifle Association  
(316) 778-1104  
ralphgoodwin@sbcglobal.net

2/7/05

Kansas House Committee on Wildlife, Parks and Tourism  
Don Myers, Chairman

Dear Committee,

The Kansas Bowhunters Association supports HB2253. We worked with several other sporting groups in conjunction with the Kansas Wildlife Federation to develop a stronger voice for protecting a resource we feel is in jeopardy. Persons willing to chance litigation are abusing our current system and have made a mockery of the judicial system and its lack of consistency from one County to another. By developing a uniform way of dispensing justice it may well curb the interest in selling antlers or bragging about the big one that they "tagged" (illegally unfortunately). We have always valued the deer we hunt as bowhunters and have consistently argued for legislation that we felt benefited the game we love to hunt. Please move this bill forward and show the persons that misuse our privileges we as serious about enforcing game laws.

Respectfully Submitted,  
Shawn W. Harding  
Kansas Bowhunters Association  
Legislative Chairman

I'm Jim Call, a member of the Kansas Outfitters Association and a Licensed and Bonded Outfitter in the state of Kansas for Call of The Wild Outfitters, License #551.

First, I want to thank all of you for allowing me to speak before you in regards to the House Bill 2253.

I believe the Bill on poaching and illegal hunting is a must for the state of Kansas.

We have a growing number of businesses depending on the Seasonal income. Whether it's a Restaurant, Motel, Bed and Breakfast, Grocery Store, Sporting Goods or Fuel; all of these businesses benefit during Hunting Season from In-State or Out of State hunters.

In-State and Out of State Hunters and Fishermen, bring approximately \$800,000,000 in revenue to Kansas.

Kansas has grown into one of the Top Premier places in North America to harvest Trophy Whitetail or any other type of Hunting or Fishing.

Our Wildlife in Kansas is being threatened by illegal Hunting and Poaching.

Poachers have chosen a safe haven in our State to kill Deer for their antlers. Their objective is to sell antlers for cash to support their livelihood or in some cases, drug habits. They kill Bucks with antlers then they come back later to see if the Buck is Trophy quality. If not, they just leave the animal for scavengers. If the antlers are Trophy quality, they remove them and leave the carcass for waste.

I made a call to Cabela's and inquired what a Trophy Whitetail, 190 class would bring. \$1,800 up to \$5,000 dollars.

The 200 class would bring \$10,000 dollars or more and Bass Pro would pay more for the antlers. A lot of antlers are being sold over the Internet on E-Bay.

Just 10 days ago, in a ten mile radius, we found 2 Bucks, an 8 and 10 point that had been shot. Most likely poachers, and since the racks were too small, they were left for scavengers.

We must deal with these poachers severely and with all of our power to rid ourselves of these illegal practices of our Wildlife.

In the past two days I've talked with people in other States; Texas, Colorado, Pennsylvania, and Michigan. They have taken a hard stand on poaching.

A Trophy class Deer in Texas with a 17" spread killed by a poacher would cost in the neighborhood of \$1,500 to \$10,000 in Fines, plus 5 months to 5 years in Prison. This has reduced a lot of problems throughout their State as far as illegal activity goes.

In Colorado, a Trophy Whitetail with an 18" spread would cost \$10,000 dollars to the person committing the crime.

These 2 States are not taking any illegal activity lightly.

This House Bill 2253 is very important, and with your support, we would like to get it passed through the legislation.

I appreciate your time and consideration on this urgent issue.

THANK YOU,

Jim Call

Call of The Wild Outfitters

Website: <http://www.callofthewildoutfitter.homestead.com>

[callofthewildoutfitters@cox.net](mailto:callofthewildoutfitters@cox.net)

[jcall1@cox.net](mailto:jcall1@cox.net)





STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

PHILL KLINE  
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.KSAG.ORG

BEFORE THE HOUSE COMMITTEE ON  
WILDLIFE, PARKS AND TOURISM

Regarding House Bill No. 2253

Testimony of  
Kevin A. Graham  
Assistant Attorney General

Chairman Myers and Members of the Committee:

Thank you for allowing me to submit this written testimony on behalf of Kansas Attorney General Phill Kline. HB 2253 concerns wildlife in the State of Kansas and the penalties that will be assessed against individuals who violate Kansas' laws on the harvesting of wildlife.

Hunting, fishing and trapping of wild game have long been cherished and respected activities for generations of Kansans. In recent years our State has experienced significant growth in the popularity and profitability of enterprises related to Kansas' wildlife resources, such as the numerous wildlife guide operations that do business in almost every area of Kansas. In addition to the profits directly accounted for by these Kansas businesses, the state also sees additional revenues for the travel and tourism industry and increased sales taxes collected from outdoorsmen and outdoorswomen who visit Kansas to partake of our abundant wildlife resources. However, an unfortunate corollary to the successes of Kansas hunters, anglers and the related industry has been an increase in the number of individuals who choose to violate Kansas game laws by poaching or otherwise illegally harvesting Kansas wildlife either for financial or personal gain. HB 2253 seeks to target those individuals who would violate Kansas wild game laws and impose stricter mandatory punishments on individuals who engage in repeated violations.

Attorney General Kline supports the efforts of the Kansas Wildlife Federation and the numerous other interested groups and individuals who support HB 2253 and the bills' intent of imposing appropriate punishments on individuals who violate Kansas laws regarding the harvesting of wildlife. Certainly the laws of our state should be enforced fairly on anyone who violates them and it is a well-reasoned approach to provide for increased penalties for individuals who repeatedly violate the law. Attorney General

Committee on Wildlife, Parks and  
Tourism  
2/09/05  
Attachment 5

Kline encourages the committee to consider HB 2253 in detail and hopes the committee will recommend HB 2253 favorable for passage.

Respectfully,

OFFICE OF THE ATTORNEY GENERAL  
PHILL KLINE

  
Kevin A. Graham  
Assistant Attorney General